

in the identical condition as when so sold had been shipped by the purchaser on or about June 12 and July 21, 1936, from the State of New York into the State of Illinois and the District of Columbia, and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Tam * * * E. Fougera & Co. Inc. New York City Distributors."

Analyses of samples of the article showed that it consisted essentially of plant material including the tissues and seeds of fruits, such as figs and prunes, senna leaf tissues, tissues of a species of Cassia, tamarind fruit tissues, starchy material, and a small proportion of sodium benzoate.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold in that it was labeled "contains 100% pure natural laxative fruits"; whereas its chief laxative ingredient was senna leaves.

Misbranding was alleged in that the statements, "Contains 100% pure laxative fruits extracted and concentrated into a delicious jam" and "No Drugs," were false and misleading in that the article was not a jam and contained a drug, senna leaves; and in that certain statements in the labeling regarding its curative and therapeutic effect, falsely and fraudulently represented that it was effective as a safe laxative "even for the tiniest tot"; that it was effective to produce normal evacuation of the bowels and to regulate the bowels; that it was effective in these respects without griping and that a teaspoonful of the article, taken nightly for a few nights and then every second night, would produce a normal condition of the bowels; whereas it was not so effective or so productive.

On October 25, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28367. Misbranding of Perfection Health Tablets, Perfection Stock Powder, and Perfection Nutrum. U. S. v. I. B. Rogers Co. Plea of guilty. Fine, \$50. (F. & D. No. 39794. Sample Nos. 12737-C, 12738-C, 12739-C, 34422-C.)

The labeling of these veterinary products bore false and fraudulent representations regarding their curative and therapeutic effectiveness.

On November 27, 1937, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the I. B. Rogers Co., a corporation, Danville, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on August 14, 1936, and April 17 and 22, 1937, from the State of Illinois into the State of Indiana of quantities of the herein-after-described drug preparations, which were misbranded. The articles were labeled in part: "I. B. Rogers Company, Danville, Illinois."

Analyses showed that the Health Tablets consisted essentially of zinc sulphocarbolate, calcium sulphocarbolate, and sodium sulphocarbolate, one sample having been found to contain a small proportion of boric acid; the Stock Powder consisted essentially of compounds of sodium and iron, charcoal, sulphur, extracts of plant drugs, including nux vomica and chenopodium, sulphates, carbonates, and siliceous material; and that the Nutrum consisted essentially of Epsom salt, Glauber's salt, compounds of iron, sodium, and calcium, small proportions of sulphur, charcoal, plant material, resinous material, and sand.

The Perfection Health Tablets were alleged to be misbranded in that certain statements borne on the bottle label falsely and fraudulently represented that the article was effective as an intestinal antiseptic and as a preventive of the spread of disease; effective as a treatment of roup, cholera, white diarrhoea, cankers, coccidiosis or tuberculosis, and as a preventive of the ailments of poultry.

The Perfection Stock Powder was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a hog wormer and conditioner; effective to keep farm animals free from worms, and to a great extent, immune to diseases of all kinds; effective to remove worms, to prevent reinfestation, to aid digestion and to shorten the fattening period; effective as a conditioner for wormy horses and colts, for colic in horses; for grass or fodder bloat in cattle and milk cows; as a bowel conditioner in farm animals; as a blood tonic and blood purifier; to make red blood corpuscles and to expel worms; as a kidney cleanser and germ destroyer; to keep the gases out of the stomach, to help put on fat and to absorb gas and to rid the stomach and bowels of worms.

The Perfection Nutrum was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a treatment for diseases of all kinds in poultry; to prevent diseases in poultry; to regulate the blood, liver, or digestive organs of hens; to make hens lay; to increase production of eggs; to promote the growth of young chicks; to insure strong bone, muscle, abundant plumage and a large fowl; to invigorate the system or cause a glossy plumage and good health; as a regulator and conditioner; to make poultry healthy; to prevent disease; to aid in preventing reinfestation of worms; as a blood tonic; blood purifier and to make red blood corpuscles; as a tonic; as a germ destroyer and toner; and effective to aid digestion and absorb gases, and as a treatment for roup.

On December 14, 1937, a plea of guilty was entered on behalf of the defendant and a fine of \$50 was imposed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28368. Misbranding of Lee's Prescription, Mrs. Bee's Vagi-Anti-Septikones, Elco Hepatic Tablets, R. L. D. Procon Tablets, Elco Asthma Remedy, and Elco Rub. U. S. v. Archie Berland, Rose Kotenberg, and David F. Berland (Erie Laboratories). Pleas of nolo contendere; judgment of guilty. Fines, \$150 and costs. (F. & D. No. 39489. Sample Nos. 18437-C, 18440-C, 18441-C, 18442-C, 18443-C, 19674-C.)

The labeling of these products contained false and fraudulent representations regarding their curative and therapeutic effects. Lee's Prescription for Hay Fever and Asthma contained acetophenetidin, a derivative of acetanilid, and its label failed to bear a statement of the quantity thereof contained in the article. The Elco Asthma Remedy was represented to contain no harmful drugs; whereas it contained potassium iodide and ephedrine sulphate, which are harmful drugs.

On June 9, 1937, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Archie Berland, Rose Kotenberg, and David F. Berland, copartners, trading as the Erie Laboratories, Cleveland, Ohio, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about September 6, 23, and 25 and October 6, 1936, from the State of Ohio into the State of New York, and on or about December 12, 1936, from the State of Ohio into the State of Minnesota of quantities of the hereinafter-described drugs, which were misbranded. The Vagi-Anti-Septikones were labeled: "Prepared for Mrs. Bee's Health Laboratories, Cleveland, O." The remaining products were labeled in part: "Erie Laboratories, Cleveland, Ohio."

Analyses showed that Lee's Prescription consisted chiefly of acetylsalicylic acid, acetophenetidin, and a small amount of alkaloid; that the Vagi-Anti-Septikones consisted chiefly of cocoa butter and a small amount of oxyquinoline; that the Elco Hepatic Tablets consisted chiefly of phenolphthalein, bile salts, emodin-bearing drugs, and capsicum; that the R. L. D. Procon Tablets consisted chiefly of sodium bicarbonate, hexamethylenetetramine, and a very small amount of alkaloid; that the Elco Asthma Remedy consisted chiefly of sugar, water, potassium iodide, and ephedrine sulphate; and that the Elco Rub consisted chiefly of petrolatum, oils of wintergreen and eucalyptus, menthol, camphor, and turpentine.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their therapeutic and curative effects, appearing in the labeling, falsely and fraudulently represented that Lee's Prescription was effective for lessening the paroxysms of hay fever, rose fever, sinus, la grippe, running nose and weeping eyes; that Mrs. Bee's Vagi-Anti-Septikones were effective as a treatment, remedy, and cure for leucorrhoea; that the Elco Hepatic Tablets were effective as a treatment for hepatic insufficiency, intestinal putrefaction, jaundice, and gall stones, and effective to directly stimulate the liver cells and to produce an increased flow of bile; that the R. L. D. Procon Tablets were effective for the relief of frequent desire to urinate, lack of control and irritation of the bladder, sleeplessness, restlessness, nervousness, prostatic and many unnatural, unhealthy conditions of the bladder and effective for the relief of severe cases thereof; that the Elco Asthma Remedy was effective as a relief for hay fever, coughs, and certain forms of sinus trouble; and that the Elco Rub was effective as a treatment, remedy, and cure for sore throat, croup, whooping cough, rheumatism, stiff neck, nasal catarrh, and persistent and annoying cough. Lee's Prescription was alleged to be misbranded further in that it contained acetophenetidin, a derivative of acetanilid, and the bottle